

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO - DIVISION

FILED

JAN 06 2025

CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JEROME CLARKE,  
THIRD PARTY PLAINTIFF,  
SALINAS,  
PLAINTIFF  
ET AL.

CASE # 22-CV-04823

VS.

NU  
BROCK INC., AND CASH APP.  
INVESTING LLC,  
DEFENDANT.

MEMORANDUM IN TRAVERSE

COMES NOW, JEROME CLARKE, THIRD PARTY PLAINTIFF AND  
GIVES HIS MEMORANDUM IN TRAVERSE TO MEMORANDUM  
FILED IN THE CASE DATED NOVEMBER 6TH, 2024, INDICAT-  
ING THERE'S NO STANDING ON THE PART OF INTERVENTION  
FOR JEROME CLARKE, THIRD PARTY PLAINTIFF TO BECOME A  
PARTY TO THE ACTION.

I.

STATEMENT OF STANDARDS

THE PLAINTIFF SUBMITS THAT HE IN FACT DID FILE A THIRD PARTY COMPLAINT ON OR ABOUT 24<sup>TH</sup> DAY OF OCTOBER, 2024, WITH THE COURT SEEKING INTERVENTION IN THE ACTION.

STATING IN PART IN PART(S)... PLAINTIFF ASSERTS ON DISCLOSURE THE DEFENDANT(S) HAS A \$25.00.00. INSURED INVESTMENT IN A \$10,000.00-T-BILL ON APPROXIMATELY EVERYONE OF ITS CASH APP. USER THROUGH ELECTRONICALLY ILLEGALLY ACCESSING THE PLAINTIFFS FINANCIAL CASH APP. ACCOUNTS IN A WAY THAT VIOLATES STATUTE / TRANSFERRING DIVERGING ADVISING THE PLAINTIFFS. MAKE A NEW CASH APP. ACCOUNT. WITH OUT THE PLAINTIFFS HAVING THE OPPORTUNITY TO RECEIVE THE \$25.00.00. INSURED AND INVESTED IN THE DEFENDANT(S) SHARE HOLDERS \$10,000.00-T-BILL;

THE \$25.00.00. THAT HAS BEEN TRANSFERRED - DIVERGED FROM THE PLAINTIFFS CASH APP. FINANCIAL ACCOUNTS,...



## II. ARGUMENTATION IN SUPPORT OF MEMORANDUM

THE THIRD PARTY PLAINTIFF, JAMES CLARKE, CONTENTS THAT RECKLESS INTENT HAS BEEN DEMONSTRATED BY A ALLEGED SPECIFIC PURSUED CONDUCT OF THE DEFENDANTS VIOLATION OF A CHALLENGED STATUTE IN TERMS OF THE ELECTRONICALLY ILLEGAL ACCESSING OF THE PLAINTIFFS CASH APP. FINANCIALLY;

SEE: TITLE 18 U. S. C. A. SEC. 1030(C).

SEE: BABY NEAL V. CASEY 43 F. 3D 48, 58 C30 CR. 1994) IN PERTINENT PARTS: "...[C]ASES CHALLENGING THE SAME UNLAWFUL CONDUCT WHICH AFFECTS BOTH THE NAME PLAINTIFFS AND THE PUTATIVE CLASS USUALLY SATISFY THE TYPICALITY REQUIREMENT = RESPECTIVE OF THE VARYING FACT PATTERNS UNDERLYING THE INDIVIDUAL CLAIMS"

SEE: SPENCER V. KEMMA, 523 U. S. 1, 27-28, 418 S. CL. 978 (1998)

IN PERTINENT PARTS: (1) THE CAPABLE-OF-REPETITION-DOCTRINE APPLIES ONLY... [WHEN]... TWO CIRCUMSTANCES [ARE] SIMULTANEOUSLY PRESENT: (A) THE CHALLENGED ACTION IS IN ITS DURATION TOO SHORT TO BE FULLY LITIGATED PRIOR TO CESSATION OR EXPIRATION, AND (2) THERE IS A REASONABLE EXPECTATION THAT THE SAME COMPLAINTING PARTY [WILL] BE

SUBJECT TO THE SAME ACTION AGAIN." (CITATION - OMITTED).

AND THE THIRD PARTY PLAINTIFF FURTHER ARGUES THAT HE HAS ABSOLUTE STANDING TO INTERVENE IN THE ACTION SEE: FLOVER V. JOHNSON, 934 F. SUPP. 4360, 4371 (E.D. MICH. 1996), AFF'D IN PART, REV'D IN PART ON OTHER GROUNDS AND REMANDED, 438 F.2D 229 (6TH CIR. 1998).

SEE: SUMITOMO COPPER LITIGATION V. CREDIT LYONNAIS ROUSE, LTD., 262 F.3D 434, 439 (2d CIR. 2001), AND UNLIKE AN INTERVENTION MOTION REQUEST PURSUANT TO F.R.C.P. (29(b)), [A] F.R.C.P. (23(c)) WOULD BE MORE UNFRIENDLY IN THE COURT'S EXERCISING ITS DISCRETION TO DO SO IN THIS DELICATE TIME IN THE PROCEEDINGS AND MATTERS AS A THIRD PARTY REQUEST TO INTERVENE IN THE ACTION. (DOC. NO. 109). / DOC. NO. 73 AT 108):



### III. CONCLUSION

WHEREFORE THIRD PARTY PLAINTIFF FURTHER REQUESTS THE DISTRICT COURT-ADVISORY-TAKE HAS REQUESTED IN CONSIDERATION.

RESPECTFULLY SUBMITTED THIS 23<sup>RD</sup> DAY of November,  
 JEROME CLARKE 2024  
CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY THAT I HAS THE UNDERSIGNED DATE SERVED A TRUE AND CORRECT COPY OF THE WITHIN DOCUMENT PROOF TO THE SAME IN THE U.S. MAIL SYSTEM WITH ADEQUATE AND SUFFICIENT POSTAGES AFFIXED THERE TO PROPERLY UPON:

RESPECTFULLY SUBMITTED ESQ. ATTORNEYS AT LAW  
 JEROME CLARKE BLOCK INC. AND CASH APP.  
 61484959 K3, 1B. ALSO ARCH STREET SUITE 2020  
 CENTRAL STATE PRISON PHILADELPHIA, PENNSYLVANIA 19103;  
 4600 MILTON WILKINSON RD. PHILADELPHIA, PENNSYLVANIA 19103;  
 MACON, GEORGIA 31208 ATTORNEYS AT LAW  
 ESQ. DAVID A. GOODWIN

GUSTAFSON FLYER PLLC  
 CANADIAN PACIFIC PLAZA  
 120 SOUTH SIXTH STREET, SUITE 2600  
 MINNEAPOLIS, MN. 55402  
 THIS 23<sup>RD</sup> DAY of November,  
 2024

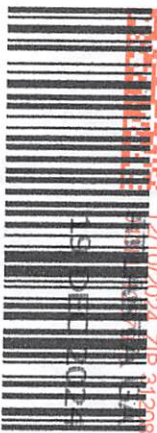
MR. JAMES CLARKE  
601 CH 84959 153-23-

CENTRAL STATE ASSOCIATION  
4600 Fulton West CC ROAD  
WACO, TEXAS 76794

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CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA



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U.S. DISTRICT COURT

WEST OF CALIFORNIA

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U.S. COURT SE 4300 CLAY STREET STE 300

OAKLAND, CALIFORNIA 94612



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